

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ARLENE HARRIS,

Plaintiff,

v.

ALEJANDRO J. MAYORKAS, et  
al.,

Defendants.

Case No. 21-cv-1083 (GMH)

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS AS MOOT**

On April 20, 2021, Plaintiff filed her original Complaint, alleging that Defendants discriminated against her on the basis of race and gender in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as well as retaliation and the creation of a hostile work environment in violation of the same federal statute. *See* ECF No. 1 at 7–10. Plaintiff also claimed age discrimination in violation of 29 U.S.C. § 633a. *See id.* at 8–9. Defendants moved to dismiss the Complaint on October 12, 2021. *See* ECF No. 12. On December 8, 2021—the date set for Plaintiff's response to the Defendant's motion to dismiss—Plaintiff instead filed an Amended Complaint with the consent of Defendants. *See* ECF No. 17. A motion to dismiss directed to a complaint is mooted when a plaintiff files an amended complaint. *See, e.g., Gray v. D.C. Pub. Sch.*, 688 F. Supp. 2d 1, 6 (D.D.C. 2010) (collecting cases); *Nader v. Democratic Nat. Comm.*, 590 F. Supp. 2d 164, 167 n.2 (D.D.C. 2008), *aff'd*, No. 09-7004, 2009 WL 4250599 (D.C. Cir. Oct. 30, 2009).

Therefore, Defendant's motion to dismiss (ECF No. 12) is **DENIED AS MOOT** without prejudice to refile. The parties are **ORDERED** to meet and confer to propose, on or before

December 16, 2021, a schedule for the Defendant's response to the Amended Complaint, and a schedule for briefing any renewed motion to dismiss.

**SO ORDERED.**

Date: December 9, 2021

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G. Michael Harvey  
United States Magistrate Judge